

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ELYSE SILVERMAN, :
Plaintiff, : 20-CV-4842 (AJN) (RWL)
- against - :
DELUXE BUILDING SOLUTIONS LLC, et al., :
Defendants. :
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ORDER

**USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 11/17/2021**

ROBERT W. LEHRBURGER, United States Magistrate Judge.

This order resolves the discovery dispute raised by Defendant Mr. Frydman in his letter of November 15, 2021 (ECF 59) and Plaintiff's response (see ECF 58).

1. By December 2, 2021, Plaintiff shall respond to Defendant's interrogatories 1-7, and 13-21. Interrogatories 8-12 are plainly improper under Local Rule 33.3. To be clear, the Court's having struck interrogatories 8-12 does not mean that any of the other interrogatories are unobjectionable; in responding to those interrogatories, Plaintiff may assert any good-faith objections that are warranted.

2. By December 2, 2021, Plaintiff shall provide written responses-objections to Defendant's document requests. Plaintiff's November 16, 2021 letter states that she has "provided all relevant documents in our possession that support Ms. Silverman's claims." That is not the standard for compliance with document requests; a party must produce documents in its possession, custody, or control (not merely possession) regardless whether the documents support that party's claims (unless, of course, the document request seeks only documents that support Plaintiff's claims). Accordingly, by December 2, 2021, to the extent not already produced, Plaintiff shall produce all

documents in her possession, custody, or control that are responsive to Defendant's document requests to which Plaintiff does not object.

3. Ms. Silverman's deposition shall be taken by January 14, 2022.

4. Defendant's request to file a motion to compel, for contempt, and/or for sanctions is denied.

SO ORDERED.



ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

Dated: November 17, 2021
New York, New York

Copies transmitted this date to all counsel of record. The Clerk of Court is respectfully requested to mail a copy of this order to pro se Defendant Jacob Frydman and note service on the docket:

Jacob Frydman
46 Ledgerock Lane
Hyde Park, NY 12538.